

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BERNARD T. ANDERSON BEY,

Plaintiff,

-against-

ACS; NYCHA; DCSE; HRA,

Defendants.

20-CV-729 (LLS)

ORDER

LOUIS L. STANTON, United States District Judge:

By order dated April 6, 2020, the Court dismissed this action for failure to state a claim on which relief may be granted, under 28 U.S.C. § 1915(e)(2)(B)(ii). The Court entered judgment on April 8, 2020. On May 28, 2020, the Court received Plaintiff's notice of appeal, motion for an extension of time to appeal, and documents requesting leave to proceed *in forma pauperis* (IFP) on appeal. (ECF 9-13.)

Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure requires a notice of appeal in a civil case to be filed within thirty days of entry of judgment. *See* Fed. R. App. P. 4(a)(1)(A). The district court may extend the time to file a notice of appeal, however, if a party moves for an extension of time within thirty days of the expiration of the time to file notice of appeal, and if the moving party shows excusable neglect or good cause.. *See* Fed. R. App. P. 4(a)(5)(A).

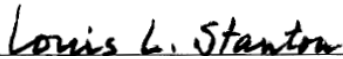
Plaintiff filed the motion for an extension of time within thirty days of the expiration of the time to file a notice of appeal. He states that he seeks an extension because, "[d]ue to COVID-19 I am strapped for time and resources to file within the time period allotted." (ECF No. 10). The Court grants Plaintiff's motion for an extension of time, but denies his request for leave to proceed IFP on appeal. If Plaintiff is unable to afford the cost of his appeal, he can seek leave from the Court of Appeals to proceed IFP on appeal.

**CONCLUSION**

The Court grants Plaintiff's motion for an extension of time to appeal. (ECF No. 10.) The Court denies Plaintiff's motion for leave to proceed IFP on appeal. (ECF No. 11.) The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: September 10, 2020  
New York, New York

  
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Louis L. Stanton  
U.S.D.J.